

Exhibit 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

BETTE EAKIN, <i>et al.</i> ,)	
)	
Plaintiffs,)	Civil Action No.: 1:22-cv-00340
)	
v.)	
)	Judge Susan P. Baxter
ADAMS COUNTY BOARD OF)	
ELECTIONS, <i>et al.</i> ,)	
)	
Defendants.)	

INTERVENOR-DEFENDANTS' MOTION TO DISMISS

Intervenor-Defendants support and seek to uphold free and fair elections on behalf of all Pennsylvanians. Intervenor-Defendants therefore respectfully move the Court to uphold the General Assembly's duly enacted laws governing Pennsylvania's elections and to dismiss Plaintiffs' Complaint. Intervenor-Defendants submit the accompanying Memorandum of Law demonstrating that Plaintiffs' two-count Complaint "fail[s] to state a claim upon which relief can be granted," Fed. R. Civ. P. 12(b)(6), because the General Assembly's duly enacted date requirement for absentee and mail-in ballots does not implicate, let alone violate, the federal materiality provision, 52 U.S.C. § 10101(a)(2)(B), and does not violate the U.S. Constitution.¹

WHEREFORE, Intervenor-Defendants respectfully request that the Court GRANT this motion and DISMISS Plaintiffs' Complaint.

¹ Intervenor-Defendants are Individual Voters David Ball, James D. Bee, Debra Biro, Jesse D. Daniel, Gwendolyn Mae DeLuca, Ross M. Farber, Lynn Marie Kalcevic, Vallerie Sicilano-Biancaniello, S. Michael Streib, Republican Committees the Republican National Committee, National Republican Congressional Committee, and Republican Party of Pennsylvania.

Dated: November 9, 2022

Respectfully submitted,

/s/ Kathleen A. Gallagher
Kathleen A. Gallagher
PA I.D. #37950
Russell D. Giancola
PA. I.D. #200058
GALLAGHER GIANCOLA LLC
436 Seventh Avenue, 31st Floor
Pittsburgh, PA 15219
Phone: (412) 717-1900
kag@glawfirm.com
rdg@glawfirm.com

John M. Gore *
E. Stewart Crosland
JONES DAY
51 Louisiana Avenue, N.W.
Washington, D.C. 20001
Phone: (202) 879-3939
jmgore@jonesday.com
msowardsnewton@jonesday.com
scrosland@jonesday.com

Thomas W. King, III
Thomas E. Breth
DILLON, McCANDLESS, KING,
COULTER & GRAHAM, LLP
128 W. Cunningham St.
Butler, PA 16001
Phone: (724) 283.2200
tking@dmkcg.com
tbreth@dmkcg.com

Counsel for Intervenor-Defendants

** Pro hac vice application forthcoming*

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

PENNSYLVANIA STATE CONFERENCE)	
OF THE NAACP, <i>et al.</i> ,)	
)	Civil Action No.: 1:22-cv-00339
Plaintiffs,)	
)	
v.)	Judge Susan P. Baxter
)	
LEIGH M. CHAPMAN, <i>et al.</i> ,)	
)	
Defendants.)	

[PROPOSED] ORDER

AND NOW, this ____ day of _____, 2022, upon consideration of Intervenor-Defendants' Motion to Dismiss, it is hereby ORDERED, ADJUDGED, and DECREED that the Motion is GRANTED. Plaintiffs' Complaint is hereby DISMISSED.

Honorable Susan P. Baxter
United States District Judge